

Understanding the EU's carding process to end illegal, unreported and unregulated (IUU) fishing

6th October 2015

Residence Palace, Rue de la Loi 155, 1040, Brussels

MAIN CONCLUSIONS OF THE EVENT

This meeting was held under the Chatham House rule. The following document has been drafted to preserve the identity of participants and the principle of non-attribution.

On 6th October 2015, representatives from the European Commission, national governments, industry and NGOs came together at the Residence Palace in Brussels to discuss the EU's procedure for identifying non-cooperating third countries in the fight against IUU fishing (the "carding process"). The event was organised by The Environmental Justice Foundation (EJF), Oceana, The Pew Charitable Trusts (Pew) and WWF; four NGOs that are working together in Europe to support the EU IUU Regulation¹ and secure its harmonised and effective implementation.

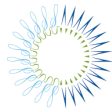
The purpose of the event was to increase understanding of the EU's methodology for identifying third countries as part of the carding process and to generate constructive dialogue between stakeholders and the European Commission on the key issues. Feedback received following the event indicates that this objective was broadly met.

Presentations by the European Commission, third country representatives and industry provided the basis for an open and lively exchange of perspectives on the EU's carding process, including the impacts and benefits for the different actors involved. A range of opinions were expressed during the debate on a number of recurring themes. Most importantly, participants identified a number of areas where cooperation and dialogue could be enhanced:

Conclusions

1. The EU is taking a leadership role in the global fight against IUU fishing, and should be congratulated on the progress made so far. However, the EU cannot work alone. Continuing to engage and maintain dialogue with other key market, flag, coastal and port states will be critical in securing a coherent international approach to addressing IUU fishing and ensuring that the problem is not displaced elsewhere, for example, through non-compliant countries seeking to sell into markets where similar action to combat IUU fishing is not being taken.
2. When the European Commission engages in bilateral dialogue with a third country, it is essential to keep a certain level of confidentiality on the contents of this dialogue. This is key to ensuring equal treatment and provides the necessary legal guarantees for third countries throughout the process. Once a decision has been made, all information relevant to the decision to card or delist a third country is made available in the EU's Official Journal.

¹ Council Regulation (EC) No. 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L286, 29.10.2008).



3. Third country experience of the EU carding process has been largely positive, incentivising a range of fisheries management reforms and improvements in monitoring, control and surveillance (MCS) systems. The carding process should continue to be applied in a fair manner to any state supporting or not effectively combatting IUU fishing activities.
4. In some cases, the basis for improvements in fisheries management and control in third countries existed prior to EU action. In these cases, the carding process provided the necessary impetus for further reforms and effective implementation. Strong political commitment has been critical in achieving reforms and subsequent delisting of third countries. Those delisted countries should be congratulated on the efforts and progress made.
5. Participants acknowledged the achievements of the EU's carding process, while identifying areas for potential improvement. These include increased consideration of reputational risks for third countries, and provision of further technical assistance where needed to implement reforms. Participants considered the risk of collateral damage to legitimate operators whose businesses may be jeopardised by the poor practice of others, and how industry operators with knowledge and investments in relevant supply chains in third countries could be integrated more constructively into the carding process.
6. Dialogue and cooperation are the cornerstones of the EU's IUU fishing policy in relation to third countries, and maintaining trust and confidentiality in these discussions is paramount. At the same time, industry, NGOs and civil society can play a supportive role in evidence gathering and the achievement of necessary reforms in third countries, which requires transparency in the carding process. Participants recognised the sensitivities of finding a balance between enabling stakeholder engagement in the carding process while maintaining the necessary confidentiality of the dialogue.
7. Participants recognised the steps taken in some third countries towards collaborative engagement between government, NGOs, industry and civil society to support enhanced fisheries management and control. There is a need for further efforts in this regard and continued information exchange between all stakeholders, in order to ensure that these activities are mutually reinforcing.
8. As the world's largest market for seafood products, the EU has an unrivalled ability and responsibility to combat IUU fishing. However, IUU fishing is a global problem, necessitating a multi-lateral response. Participants agreed that multi-lateral approaches should be preferred, where available, and that securing ratification and entry into force of instruments such as the FAO Port State Measures Agreement (PSMA) should be considered a priority for both the EU and third countries.
9. In general, participants expressed support for the EU IUU Regulation and for strong action by the EU on IUU fishing activities "at home". Effective implementation of the Regulation by member states is key to ensuring a level playing field between the EU and third countries, and should be facilitated by the move to an online catch certificate verification system. The upcoming revision of the Fishing Authorisation Regulation² (FAR) presents a further opportunity to prevent IUU fishing activities of any kind by EU vessels fishing abroad.

² Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008).